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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,537	07/20/2001	James M. Mathewson II	RSW920010103US1	1973

43168 7590 03/19/2007

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EXAMINER	
CHEA, PHILIP J	
ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/909,537	MATHEWSON ET AL.	
	Examiner	Art Unit	
	Philip J. Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,9-12,14-20,22-24 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7,9-12,14-20,22-24 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to an Amendment filed January 1, 2007. Claims 1-5,7,9-12,14-20,22-24 and 26 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5,7,9-12,14-20,22-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5,325,310), herein referred to as Johnson, and further in view of Lee et al. (US 6,212,553), herein referred to as Lee.

As per claims 1,18,22, Johnson discloses marking a message, by a creator thereof (see column 5, lines 1-13);

sending the marked message from a computing device of the creator to a computing device of a recipient for whom the message was created such that after the marked message is received at the computing device of the recipient, using an application adapted for processing the message, and the recipient will be prevented from performing other actions with the application until the recipient provides a response to the message (see column 6, lines 42-48); and

automatically receiving a reply from the recipient, sent from the computing device of the recipient to the computing device of the creator following the recipient's response thereto (see column 6, lines 42-48).

Although the system disclosed by Johnson shows substantial features of the claimed invention (discussed above), it fails to disclose marking the message as time-sensitive, automatically rendering the

message to the recipient, and receiving a response from the recipient within the time period of the time-sensitivity.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Johnson, as evidenced by Lee.

In an analogous art, Lee discloses that when messages are important enough (time sensitive) they will be automatically rendered (see column 26, lines 1-3 and lines 21-24). Since Lee shows that the message can be automatically rendered during an urgent time period, it would be obvious to combine the teaching of Johnson of forcing the recipient to respond (i.e. high priority) once that message is automatically rendered, and receive a response from the recipient as taught above by Johnson.

Given the teaching of Lee, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Johnson by employing a timely and automatic message rendering to a recipient, such as disclosed by Lee, in order to ensure that a recipient views a message and provides feedback for an urgent project.

As per claims 2,9, and 10, Johnson in view of Lee fail to disclose allowing the recipient to suppress (delay) the requiring step within the time period of sensitivity. Nonetheless, it would have been obvious to a person having ordinary skill in the art to allow the recipient to suppress (delay) the requiring step until a later time, wherein the later time is within the time period of sensitivity, if snoozing is allowed. The reason for doing so would be for the benefit of the recipient. If the message does not have to be immediately acknowledged, and he/she were in the process of responding to another important message, it would be beneficial to delay the requirement of the new message so they can finish with their current one. The motivation for allowing this to occur within the time period of sensitivity is because the message is only urgent within the time period.

As per claims 3,19, and 23, Johnson in view of Lee disclose indicating by the creator an ending time for the time period of the time sensitivity of the message (see Lee column 26, lines 1-5, where due date is considered ending time).

As per claim 4, Johnson in view of Lee further disclose indicating by the creator, a starting time for the time period of the time-sensitivity of the message (see Lee column 26, lines 1-3 and lines 21-24, where beginning of time period is considered generating the messages to the recipient).

As per claim 5, Johnson in view of Lee further disclose receiving the marked message at the computing device of the recipient (see Lee column 26, lines 14-17);

determining, at the computing device, whether the time period of the time-sensitivity of the received message has been reached (see Lee column 26, lines 14-17); and

automatically rendering the received message, at the computing device, to the recipient in the application (see column 26, lines 1-3 and lines 21-24), and preventing the recipient from performing other actions with the application (see Johnson column 6, lines 42-48), within the time period of the time sensitivity if so (i.e. once the message is automatically rendered when time limit is expired, the recipient is forced to respond).

As per claims 7,20,24, Johnson in view of Lee disclose a system of improving electronic communications, comprising steps of:

receiving a plurality of electronic messages at a computer device of a recipient to whom the electronic messages are addressed (see Lee column 26, lines 14-17, where each message indicates a plurality); and

evaluating, at the computing device, the received messages for processing, further comprising the steps of:

determining whether a selected one of the received electronic messages is marked as being time-sensitive (see Lee column 26, lines 14-17); and

if the determining step has a positive result and a time period of the time-sensitivity has been reached but not exceeded (see discussion of end time period above), automatically rendering the selected one to the recipient in an application adapted for processing the selected one within the time period of the time-sensitivity (see Lee column 26, lines 1-3 and lines 21-24), and preventing the recipient

from performing other actions with the application until the recipient provides a response to the selected one within the time period of the time-sensitivity (see Johnson column 6, lines 42-48).

As per claim 11, Johnson in view of Lee further disclose sending a notification of the response to a computing device of a creator of the rendered selected one (see Johnson column 6, lines 42-48).

As per claim 12, although Johnson in view of Lee disclose determining whether processing of the rendered selected one is complete (see Johnson et al. columns 7 and 8, lines 63-68 and 1-4, where it is determined if an action taken by the recipient satisfies the response),

remembering the rendered selected one for subsequent evaluation at a later time within the time period of sensitivity (see Lee column 24, lines 50-55).

As per claim 14, Johnson in view of Lee further disclose that the electronic messages are e-mail messages (see Johnson Fig. 3 [302]).

As per claim 15, Johnson in view of Lee further disclose that the electronic messages are calendar events (see Lee column 15, lines 47-50).

As per claim 16, Johnson in view of Lee further disclose that the electronic messages are to-do items (see Johnson column 7, line 63 – column 8, line 4).

As per claim 17, Johnson in view of Lee further disclose determining, when the selected one is marked as being time-sensitive and the time period of the time-sensitivity is approaching or has been reached but not exceeded, whether a hierarchy of event notification techniques has been defined for various intervals of the time-sensitivity, and if so, selecting a recipient notification technique which corresponds to an amount of time in the time period in addition to or instead of automatically rendering the selected one to the recipient (see Lee column 26, lines 27-32).

As per claim 26, Johnson in view of Lee further disclose automatically starting execution of an application for rendering the selected one, at the computing device of the recipient, if the execution of the application is not currently started (see Lee column 26, lines 1-3 and lines 21-24);

automatically bringing a window rendered by the application to a foreground of a display of the computing device and making the window active (i.e.. it would have been obvious to display the email message and not allow the user to exit out until an appropriate action is taken Johnson 4, lines 28-32);

automatically rendering the selected one in the active window (see column 26, lines 1-3 and lines 21-24); and

requiring the recipient to take action with the selected one before performing any other tasks with the application (see Johnson 4, lines 28-32).

Response to Arguments

3. Applicant's arguments with respect to claims 1-5,7,9-12,14-20,22-24 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 3/15/07

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